Appl. No. 09/654,293 Reply to Office action of May 3, 2005

REMARKS/ARGUMENTS

Applicant wishes to thank the Examiner and her supervisor for taking the time to discuss the subject case the morning of July 26, 2005. In summary, the interview included a discussion of written description issues and certain art relevant to the case and proposals for new claims. Based on this discussion applicant believes that newly submitted claims 59 to 73 are allowable.

Claims 59 to 73 remain in this application. Claims 1 to 58 have been canceled without prejudice. That is, applicant reserves the right to revive one or more of the canceled claims or pursue any aspect of each of the canceled claims, for example, in a separate application. Claims 59 to 73 have been added and include no new matter. New claims 59 to 73 are submitted for the purpose of advancing the case toward allowance and differences between the new claims and canceled claims should not be viewed as acquiescence to any of the Examiner's rejections.

Support for claims 59 to 73 is found in the specification as previously described by applicant except for the added feature of "750 nm" found in claims 61, 66 and 70. Support for "750 nm" is found, for example, at page 33, line 9.

Applicant believes the claims satisfy the requirements of 35 USC 112, first and second paragraphs and are not anticipated or made obvious by any of the cited references under 35 USC 102 or 103. Therefore, applicant submits that the presently pending claims are allowable and respectfully requests that the Examiner pass the above-identified application to allowance.

If any issues remain unresolved or if the Examiner has any questions, applicant requests that the Examiner contact applicant's attorney at the below referenced telephone number.

Respectfully submitted,

Kyle Yesland, Telephone: 706-227-1170, ext 233

Attorney for Applicants

Reg. No. 45,526 AviGenics, Inc. Legal Department 111 Riverbend Road Athens, Georgia 30605